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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,360	02/08/2001	Steven Jay Lipton	AUS920000886US1	6050

7590

10/06/2004

Cynthia S. Byrd  
IBM Corporation  
11400 Burnet Rd.  
Austin, TX 78758

EXAMINER
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PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/779,360

Applicant(s)

LIPTON ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Best Available Copy****Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-18 are presented for examination.

#### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-18 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No.09/779371. Although the conflicting claims are not identical, they are not patentably distinct from each other because other than specific use of a server transmitting a configuration file-containing server known information to the client, all the claimed invention is identical. It is well known in the art, for example, Nishio et. al. 6,381,651, teaches a server transmitting a configuration file-containing server known information to the client, e.g., col., 6, lines 7-28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lipton et al. with the teachings of Nishio et al. in order to provide a configuration file containing server known information, (i.e., time and data function

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corresponding to the time and date information known by the server), to the client from the server. Thus, a client will be able to display information based on a system time and date provided by the server through the transmitted configuration file.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Examiner acknowledges the applicant's admission to the double patent rejection, paper dated, 7/22/2004.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Method for providing customized homepages to a client at predetermined times from a server".

### *Response to Arguments*

4. Applicant's arguments filed 7/22/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 18 is maintained.

Applicant argues (1) "amendments to the claims are not directed to limit or broaden the scope of the claims". The examiner disagrees in response to applicant's arguments. The amended limitations "transmitting from the server to the client system, a configuration file of the at least configuration file when the time and date function corresponds to the server system time and date", indeed limits the scope of the claims. Therefore, the scope of the amended claims is narrower than the original claims.

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Applicant argues (2) Barnett, Carpenter, Kimball, Leferber, Leshem, Viridy and Colby, in combination do not disclose, "transmission of a configuration file from the server to the client". The examiner disagrees in response to applicant's arguments. As applicant admitted in applicant's arguments filed 7/22/04, Barnett along with other cited references teach configuration file at the client being updated when modified at server. Barnett also teach transmission of a configuration file from the server to the client (e.g., col., 18, lines 24-25). Since HTML document has tags, which are used for configuration; HTML document/file is considered as a configuration file. The claims are open ended. Also, lines 4-8, page 11, of the specification states "While the invention has been shown and described with reference to particular embodiments thereof, it will be understood by those skilled in the art that the foregoing and other changes in form and detail may be made therein without departing from the spirit and scope of the invention". Therefore the rejection is maintained as disclosed above.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnett et al. 6,369,840 (Hereinafter Barnett).

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7. As per claims 1, 7, and 13, Barnett teaches the following:

a method, a system and a computer readable medium for enhancing information delivery to a client system (e.g., providing AOL homepage with dynamically updated URL links, figure 6, col., 9, line 38 – col., 10, line 10), comprising:

accessing, at a server (e.g., server, figure 1, col., 5, lines 36 - 57), at least one configuration file (e.g., an Options page 312 is also provided, for configuring and selecting among various system options and preferences, col., 8, lines 41-59), comprising a time and date function having instructions for displaying a URL at a given time and date (e.g., Favorite Events pages 313-315 display selected events in either a Day View 313, a Week View 314, or a Month View 315, col., 8, line 19 – 29, Event category home pages, col., 8, line 12),

verifying the server system time and date (e.g., server automatically supporting update of movie etc information based on the current time, figures 10 and 11, col., 13, lines 22-65);

transmitting, from the server to the client system a configuration file of the at least one configuration file (e.g., server sending option page, event page, what's new HTTP file to the client, figures 4-8, col., 10, lines 38 – 43);

when (e.g., when calendar scheduled time occurs same as the server current time, col., 6, lines 31 - 54) the time and date function corresponds to the server system time and date (e.g., server automatically supporting update of movie etc information based on the current time to the client, figures 10 and 11, col., 13, lines 22-65); and

displaying a first document at the client based on a first system time and date (e.g., client displaying URL links of Movie titles using HTTP/ HTML page, figure 7A).

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8. As per claims 2, 8, and 14, Barnett teaches the following:

displaying a second document at the client based on a second system time and date (e.g., client displaying URL links of events using HTTP/HTML page, figure 6).

9. As per claims 3, 9, and 15, Barnett teaches the following:

creating, at the server/client, an input file containing at least one record wherein each record comprises a URL, a time and a date (e.g., HTTP/HTML document supported by both server and client to display URL for a particular time and date using Calendar application, figure 3 and figure 7B).

10. As per claims 4, 10, and 16, Barnett teaches the following:

creating a configuration file for each record (e.g., Individual event / appointment URL, date and time handled by HTTP/HTML, col., 8, lines 41 – 60) and copying the configuration file to a preferences file associated with a browser on the client upon the occurrence of a given system time and date (e.g., Option page allowing to configure and select among various system options and preferences-based on time and date, col., 8, lines 41 – 60).

11. As per claims 5, 11, and 17, Barnett teaches the following:

creating a schedule script file for each record in the input file (e.g., usage of collection of programs and scripts for automated operation and import of event data, col., 10, lines 11 – 23).



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12. As per claims 6, 12, and 18, Barnett teaches the following:

running a schedule script periodically; and identifying custom preferences files having a date and time that corresponds to the current system date and time (e.g., usage of collection of programs and scripts for automated operation and import of event data, col., 10, lines 11 – 23, server providing client to display URL links of updated Movie titles using a HTTP/HTML page, figure 7A).

### *Conclusion*

13. Examiner has found numerous arts related to the disclosed subject matter. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carpenter et al. 6,065,047 and Kimball et al. 6,704,031, assignee, America Online, discloses use of web server provided homepages displayed by the client web browser that have URL links that are updated depending upon date and time, i.e., morning time or evening time, or seasonal time.

Lefeber et al. "Method and System for location independent and platform independent network ...", U.S. Publication No. 2002/0046299 A1, Apr. 18, 2002, discloses dynamic hyperlink URL that are automatically updated on the user's web browser to avoid large bookmarks.

Leshem et al, 6,470,383, discloses web server provided homepages displayed by the client web browser that have URL links that are updated depending upon server provided date and time related information.

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Virdy, 6,691,105, discloses use of web server provided homepages displayed by the client web browser that have URL links that are updated depending upon date and time for the geographically located business information.

Colby et. al. 6,625,643, discloses use of \*.js file to support dynamic URL updates.

See Form PTO-892 for the other cited references.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

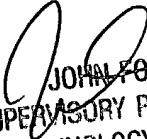
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

September 30, 2004

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100